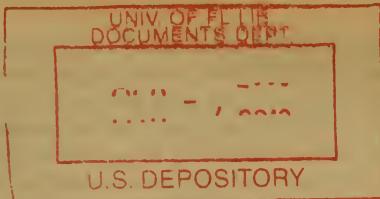


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United States Department of Agriculture,

OFFICE OF EXPERIMENT STATIONS—CIRCULAR 111 (Rev.).

A. C. TRUE, Director.

WASHINGTON, D. C., October 1, 1912.

SIR: I have the honor to transmit herewith and to recommend for publication as Circular 111, revised, of this Office, a compilation of Federal legislation, regulations, and rulings affecting the agricultural colleges and experiment stations.

Respectfully,

A. C. TRUE, Director.

Hon. JAMES WILSON,
Secretary of Agriculture.

FEDERAL LEGISLATION, REGULATIONS, AND RULINGS AFFECTING AGRICULTURAL COLLEGES AND EXPERIMENT STATIONS.

[Revised to Oct. 1, 1912.]

ACT OF 1862 DONATING LANDS FOR AGRICULTURAL COLLEGES.

[First Morrill Act.]

AN ACT Donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be granted to the several States, for the purposes hereinafter mentioned, an amount of public land, to be apportioned to each State a quantity equal to thirty thousand acres for each Senator and Representative in Congress to which the States are respectively entitled by the apportionment under the census of eighteen hundred and sixty: *Provided*, That no mineral lands shall be selected or purchased under the provisions of this act.

SEC. 2. *And be it further enacted*, That the land aforesaid, after being surveyed, shall be apportioned to the several States in sections or subdivisions of sections, not less than one-quarter of a section; and whenever there are public lands in a State subject to sale at private entry at one dollar and twenty-five cents per acre, the quantity to which said State shall be entitled shall be selected from such lands within the limits of such State, and the Secretary of

the Interior is hereby directed to issue to each of the States in which there is not the quantity of public lands subject to sale at private entry at one dollar and twenty-five cents per acre to which said State may be entitled under the provisions of this act land scrip to the amount in acres for the deficiency of its distributive share; said scrip to be sold by said States and the proceeds thereof applied to the uses and purposes prescribed in this act and for no other use or purpose whatsoever: *Provided*, That in no case shall any State to which land scrip may thus be issued be allowed to locate the same within the limits of any other State or of any Territory of the United States, but their assignees may thus locate said land scrip upon any of the unappropriated lands of the United States subject to sale at private entry at one dollar and twenty-five cents, or less, per acre: *And provided further*, That not more than one million acres shall be located by such assignees in any one of the States: *And provided further*, That no such location shall be made before one year from the passage of this act.

SEC. 3. *And be it further enacted*, That all the expenses of management, superintendence, and taxes from date of selection of said lands, previous to their sales, and all expenses incurred in the management and disbursement of the moneys which may be received therefrom, shall be paid by the States to which they may belong, out of the treasury of said States, so that the entire proceeds of the sale of said lands shall be applied without any diminution whatever to the purposes hereinafter mentioned.

SEC. 4 (original). *And be it further enacted*, That all moneys derived from the sale of the lands aforesaid by the States to which the lands are apportioned, and from the sales of land scrip hereinbefore provided for, shall be invested in stocks of the United States or of the States, or some other safe stocks, yielding not less than five per centum upon the par value of said stocks; and that the moneys so invested shall constitute a perpetual fund, the capital of which shall remain forever undiminished (except so far as may be provided in section five of this act), and the interest of which shall be inviolably appropriated, by each State which may take and claim the benefit of this act, to the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

SEC. 4 (as amended Mar. 3, 1883). That all moneys derived from the sale of lands aforesaid by the States to which lands are apportioned, and from the sales of land scrip hereinbefore provided for, shall be invested in stocks of the United States or of the States, or some other safe stocks; or the same may be invested by the States having no State stocks in any other manner after the legislatures of such States shall have assented thereto, and engaged that such funds shall yield not less than five per centum upon the amount so invested and that the principal thereof shall forever remain unimpaired: *Provided*, That the moneys so invested or loaned shall constitute a perpetual fund, the capital of which shall remain forever undiminished (except so far as may be provided in section five of this act), and the interest of which shall be inviolably appropriated, by each State which may take and claim the benefit of this act, to the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the

States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

SEC. 5. *And be it further enacted*, That the grant of land and land scrip hereby authorized shall be made on the following conditions, to which, as well as to the provisions hereinbefore contained, the previous assent of the several States shall be signified by legislative acts:

First. If any portion of the fund invested, as provided by the foregoing section, or any portion of the interest thereon, shall, by any action or contingency, be diminished or lost, it shall be replaced by the State to which it belongs, so that the capital of the fund shall remain forever undiminished; and the annual interest shall be regularly applied without diminution to the purposes mentioned in the fourth section of this act, except that a sum, not exceeding ten per centum upon the amount received by any State under the provisions of this act, may be expended for the purchase of lands for sites or experimental farms whenever authorized by the respective legislatures of said States.

Second. No portion of said fund, nor the interest thereon, shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings.

Third. Any State which may take and claim the benefit of the provisions of this act shall provide, within five years, at least not less than one college, as described in the fourth section of this act, or the grant to such State shall cease; and said State shall be bound to pay the United States the amount received of any lands previously sold and that the title to purchasers under the State shall be valid.

Fourth. An annual report shall be made regarding the progress of each college, recording any improvements and experiments made, with their cost and results, and such other matters, including State industrial and economical statistics, as may be supposed useful, one copy of which shall be transmitted by mail free, by each, to all the other colleges which may be endowed under the provisions of this act, and also one copy to the Secretary of the Interior.

Fifth. When lands shall be selected from those which have been raised to double the minimum price, in consequence of railroad grants, they shall be computed to the States at the maximum price and the number of acres proportionately diminished.

Sixth. No State while in a condition of rebellion or insurrection against the Government of the United States shall be entitled to the benefit of this act.

Seventh. No State shall be entitled to the benefits of this act unless it shall express its acceptance thereof by its legislature within two years from the date of its approval by the President.

SEC. 6. *And be it further enacted*, That land scrip issued under the provisions of this act shall not be subject to location until after the first day of January, one thousand eight hundred and sixty-three.

SEC. 7. *And be it further enacted*, That the land officers shall receive the same fees for locating land scrip issued under the provisions of this act as is now allowed for the location of military bounty land warrants under existing laws: *Provided*, That their maximum compensation shall not be thereby increased.

SEC. 8. *And be it further enacted*, That the governors of the several States to which scrip shall be issued under this act shall be required to report annually to Congress all sales made of such scrip until the whole shall be disposed of, the amount received for the same, and what appropriation has been made of the proceeds.

Approved, July 2, 1862 (12 Stat. L., 503).

[Cir. 111]

ACT OF 1866 EXTENDING THE TIME WITHIN WHICH AGRICULTURAL COLLEGES MAY BE ESTABLISHED.

AN ACT To amend the fifth section of an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, so as to extend the time within which the provisions of said act shall be accepted and such colleges established.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time in which the several States may comply with the provisions of the act of July second, eighteen hundred and sixty-two, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," is hereby extended so that the acceptance of the benefits of the said act may be expressed within three years from the passage of this act, and the colleges required by the said act may be provided within five years from the date of the filing of such acceptance with the Commissioner of the General Land Office: *Provided*, That when any Territory shall become a State and be admitted into the Union such new State shall be entitled to the benefits of the said act of July second, eighteen hundred and sixty-two, by expressing the acceptance therein required within three years from the date of its admission into the Union, and providing the college or colleges within five years after such acceptance, as prescribed in this act: *Provided further*, That any State which has heretofore expressed its acceptance of the act herein referred to shall have the period of five years within which to provide at least one college, as described in the fourth section of said act, after the time for providing said college, according to the act of July second, eighteen hundred and sixty-two, shall have expired.

Approved, July 23, 1866 (14 Stat. L., 208).

ACT OF 1890 FOR THE FURTHER ENDOWMENT OF AGRICULTURAL COLLEGES.

[Second Morrill Act.]

AN ACT To apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an act of Congress approved July second, eighteen hundred and sixty-two.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, arising from the sales of public lands, to be paid as hereinafter provided, to each State and Territory for the more complete endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts now established, or which may be hereafter established, in accordance with an act of Congress approved July second, eighteen hundred and sixty-two, the sum of fifteen thousand dollars for the year ending June thirtieth, eighteen hundred and ninety, and an annual increase of the amount of such appropriation thereafter for ten years by an additional sum of one thousand dollars over the preceding year, and the annual amount to be paid thereafter to each State and Territory shall be twenty-five thousand dollars, to be applied only to instruction in agriculture, the mechanic arts, the English language, and the various branches of mathematical, physical, natural, and economic science, with special reference to their applications in the industries of life and to the facilities for such instruction: *Provided*, That no money shall be paid out under this act to any State or Territory for the support and maintenance of a college where a

distinction of race or color is made in the admission of students, but the establishment and maintenance of such colleges separately for white and colored students shall be held to be a compliance with the provisions of this act if the funds received in such State or Territory be equitably divided as hereinafter set forth: *Provided*, That in any State in which there has been one college established in pursuance of the act of July second, eighteen hundred and sixty-two, and also in which an educational institution of like character has been established, or may be hereafter established, and is now, aided by such State from its own revenue, for the education of colored students in agriculture and the mechanic arts, however named or styled, or whether or not it has received money heretofore under the act to which this act is an amendment, the legislature of such State may propose and report to the Secretary of the Interior a just and equitable division of the fund to be received under this act, between one college for white students and one institution for colored students, established as aforesaid, which shall be divided into two parts, and paid accordingly, and thereupon such institution for colored students shall be entitled to the benefits of this act and subject to its provisions, as much as it would have been if it had been included under the act of eighteen hundred and sixty-two, and the fulfillment of the foregoing provisions shall be taken as a compliance with the provision in reference to separate colleges for white and colored students.

SEC. 2. That the sums hereby appropriated to the States and Territories for the further endowment and support of colleges shall be annually paid on or before the thirty-first day of July of each year, by the Secretary of the Treasury, upon the warrant of the Secretary of the Interior, out of the Treasury of the United States, to the State or Territorial treasurer, or to such officer as shall be designated by the laws of such State or Territory to receive the same, who shall, upon the order of the trustees of the college or the institution for colored students, immediately pay over said sums to the treasurers of the respective colleges or other institutions entitled to receive the same, and such treasurers shall be required to report to the Secretary of Agriculture and to the Secretary of the Interior, on or before the first day of September of each year, a detailed statement of the amount so received and of its disbursement. The grants of moneys authorized by this act are made subject to the legislative assent of the several States and Territories to the purpose of said grants: *Provided*, That payments of such installments of the appropriation herein made as shall become due to any State before the adjournment of the regular session of legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury.

SEC. 3. That if any portion of the moneys received by the designated officer of the State or Territory for the further and more complete endowment, support, and maintenance of colleges, or of institutions for colored students, as provided in this act, shall, by any action or contingency, be dismissed or lost, or be misapplied, it shall be replaced by the State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory; and no portion of said moneys shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings. An annual report by the president of each of said colleges shall be made to the Secretary of Agriculture, as well as to the Secretary of the Interior, regarding the condition and progress of each college, including statistical information in relation to its receipts and expenditures, its library, the number of its students and professors, and also as to any improvements and experiments made under the direction of any experiment stations attached to said colleges, with their cost and results and such other industrial and economical statistics as may be regarded as useful, one copy of

which shall be transmitted by mail free to all other colleges further endowed under this act.

SEC. 4. That on or before the first day of July in each year, after the passage of this act, the Secretary of the Interior shall ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is entitled to receive its share of the annual appropriation for colleges, or of institutions for colored students, under this act, and the amount which thereupon each is entitled, respectively, to receive. If the Secretary of the Interior shall withhold a certificate from any State or Territory of its appropriation, the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the Treasury until the close of the next Congress, in order that the State or Territory may, if it should so desire, appeal to Congress from the determination of the Secretary of the Interior. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury. And the Secretary of the Interior is hereby charged with the proper administration of this law.

SEC. 5. That the Secretary of the Interior shall annually report to Congress the disbursements which have been made in all the States and Territories, and also whether the appropriation of any State or Territory has been withheld, and, if so, the reasons therefor.

SEC. 6. Congress may at any time amend, suspend, or repeal any or all of the provisions of this act.

Approved, August 30, 1890 (26 Stat. L., 417).

CLAUSE IN ACT MAKING APPROPRIATIONS FOR THE UNITED STATES DEPARTMENT OF AGRICULTURE FOR THE FISCAL YEAR ENDING JUNE 30, 1908, FOR THE FURTHER ENDOWMENT OF AGRICULTURAL COLLEGES.

[Nelson amendment.]

* * * That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, to be paid as hereinafter provided, to each State and Territory for the more complete endowment and maintenance of agricultural colleges now established, or which may hereafter be established, in accordance with the act of Congress approved July second, eighteen hundred and sixty-two, and the act of Congress approved August thirtieth, eighteen hundred and ninety, the sum of five thousand dollars, in addition to the sums named in the said act, for the fiscal year ending June thirtieth, nineteen hundred and eight, and an annual increase of the amount of such appropriation thereafter for four years by an additional sum of five thousand dollars over the preceding year, and the annual sum to be paid thereafter to each State and Territory shall be fifty thousand dollars, to be applied only for the purposes of the agricultural colleges as defined and limited in the act of Congress approved July second, eighteen hundred and sixty-two, and the act of Congress approved August thirtieth, eighteen hundred and ninety.

That the sum hereby appropriated to the States and Territories for the further endowment and support of the colleges shall be paid by, to, and in the manner prescribed by the act of Congress approved August thirtieth, eighteen hundred and ninety, entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an act of Congress approved July second, eighteen hundred and sixty-two," and the expenditure of the said money shall be governed in all respects by the provisions of the said act of Congress approved July second, eighteen

hundred and sixty-two, and the said act of Congress approved August thirtieth, eighteen hundred and ninety: *Provided*, That said colleges may use a portion of this money for providing courses for the special preparation of instructors for teaching the elements of agriculture and the mechanic arts.

Approved, March 4, 1907 (34 Stat. L., 1256, 1281).

ACTS OF 1888 AND 1891 PROVIDING FOR DETAIL OF UNITED STATES ARMY AND NAVY OFFICERS TO THE LAND-GRANT COLLEGES.

[Act of 1888.]

AN ACT To amend section twelve hundred and twenty-five of the Revised Statutes, concerning details of officers of the Army and Navy to educational institutions, and so forth.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section twelve hundred and twenty-five of the Revised Statutes of the United States, as amended by an act of Congress approved July fifth, eighteen hundred and eighty-four, be, and the same is hereby, further amended, so as to read as follows:

"SEC. 1225. The President may, upon the application of any established military institute, seminary or academy, college or university, within the United States having capacity to educate at the same time not less than one hundred and fifty male students, detail an officer of the Army or Navy to act as superintendent or professor thereof; but the number of officers so detailed shall not exceed fifty from the Army and ten from the Navy, being a maximum of sixty, at any time, and they shall be apportioned throughout the United States, first, to those State institutions applying for such detail that are required to provide instruction in military tactics under the provisions of the act of Congress of July second, eighteen hundred and sixty-two, donating lands for the establishment of colleges where the leading object shall be the practical instruction of the industrial classes in agriculture and the mechanic arts, including military tactics; and after that, said details to be distributed, as nearly as may be practicable, according to population. The Secretary of War is authorized to issue, at his discretion and under proper regulations to be prescribed by him, out of ordnance and ordnance stores belonging to the Government, and which can be spared for that purpose, such number of the same as may appear to be required for military instruction and practice by the students of any college or university under the provisions of this section, and the Secretary shall require a bond in each case, in double the value of the property, for the care and safe-keeping thereof and for the return of the same when required: *Provided*, That nothing in this act shall be so construed as to prevent the detail of officers of the Engineer Corps of the Navy as professors in scientific schools or colleges as now provided by act of Congress approved February twenty-sixth, eighteen hundred and seventy-nine, entitled 'An act to promote a knowledge of steam engineering and iron-ship building among the students of scientific schools or colleges in the United States'; and the Secretary of War is hereby authorized to issue ordnance and ordnance stores belonging to the Government on the terms and conditions hereinbefore provided to any college or university at which a retired officer of the Army may be assigned as provided by section twelve hundred and sixty of the Revised Statutes.

"SEC. 2. That the said section twelve hundred and twenty-five of the Revised Statutes of the United States, as amended by the said act of Congress approved July fifth, eighteen hundred and eighty-four, and all acts and parts of acts inconsistent or in conflict with the provisions of this act, be, and the same are

hereby, repealed, saving always, however, all acts and things done under the said amended section as heretofore existing."

Approved, September 26, 1888. (25 Stat. L., 491.)

[Act of 1891.]

AN ACT To amend section twelve hundred and twenty-five of the Revised Statutes, concerning details of officers of the Army and Navy to educational institutions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section twelve hundred and twenty-five of the Revised Statutes, concerning details of officers of the Army and Navy to educational institutions, be, and the same is hereby, amended so as to permit the President to detail, under the provisions of said act, not to exceed seventy-five officers of the Army of the United States; and the maximum number of officers of the Army and Navy to be detailed at any one time under the provisions of the act passed September twenty-sixth, eighteen hundred and eighty-eight, amending said section twelve hundred and twenty-five of the Revised Statutes, is hereby increased to eighty-five: *Provided*, That no officer shall be detailed to or maintained at any of the educational institutions mentioned in said act where instruction and drill in military tactics is not given: *Provided further*, That nothing in this act shall be so construed as to prevent the detail of officers of the Engineer Corps of the Navy as professors in scientific schools or colleges as now provided by act of Congress approved February twenty-sixth, eighteen hundred and seventy-nine, entitled "An act to promote a knowledge of steam engineering and iron-ship building among the students of scientific schools or colleges in the United States."

Approved, January 13, 1891 (26 Stat. L., 716).

CLAUSE IN ACT PROVIDING FOR THE PRINTING, BINDING, AND DISTRIBUTION OF PUBLIC DOCUMENTS CONSTITUTING THE LAND-GRANT COLLEGES DEPOSITORYES.

"All land-grant colleges shall be constituted as depositories for public documents, subject to the provisions and limitations of the depository laws."

Approved, March 1, 1907.

ACT OF 1887 ESTABLISHING AGRICULTURAL EXPERIMENT STATIONS.

[Hatch Act.]

AN ACT To establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July second, eighteen hundred and sixty-two, and of the acts supplementary thereto.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to aid in acquiring and diffusing among the people of the United States useful and practical information on subjects connected with agriculture, and to promote scientific investigation and experiment respecting the principles and applications of agricultural science, there shall be established under direction of the college or colleges or agricultural department of colleges in each State or Territory established, or which may hereafter be established, in accordance with the provisions of an act approved July second, eighteen hundred and sixty-two, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," or any of the supplements

to said act, a department to be known and designated as an "agricultural experiment station": *Provided*, That in any State or Territory in which two such colleges have been or may be so established the appropriation hereinafter made to such State or Territory shall be equally divided between such colleges, unless the legislature of such State or Territory shall otherwise direct.

SEC. 2. That it shall be the object and duty of said experiment stations to conduct original researches or verify experiments on the physiology of plants and animals; the diseases to which they are severally subject, with the remedies of the same; the chemical composition of useful plants at their different stages of growth; the comparative advantages of rotative cropping as pursued under the varying series of crops; the capacity of new plants or trees for acclimation; the analysis of soils and water; the chemical composition of manures, natural or artificial, with experiments designed to test the comparative effects on crops of different kinds; the adaptation and value of grasses and forage plants; the composition and digestibility of the different kinds of food for domestic animals; the scientific and economic questions involved in the production of butter and cheese: and such other researches or experiments bearing directly on the agricultural industry of the United States as may in each case be deemed advisable, having due regard to the varying conditions and needs of the respective States or Territories.

SEC. 3. That in order to secure, as far as practicable, uniformity of methods and results in the work of said stations, it shall be the duty of the United States Commissioner [now Secretary] of Agriculture to furnish forms, as far as practicable, for the tabulation of results of investigation or experiments; to indicate from time to time such lines of inquiry as to him shall seem most important, and, in general, to furnish such advice and assistance as will best promote the purpose of this act. It shall be the duty of each of said stations annually, on or before the first day of February, to make to the governor of the State or Territory in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures, a copy of which report shall be sent to each of said stations, to the said Commissioner [now Secretary] of Agriculture, and to the Secretary of the Treasury of the United States.

SEC. 4. That bulletins or reports of progress shall be published at said stations at least once in three months, one copy of which shall be sent to each newspaper in the States or Territories in which they are respectively located, and to such individuals actually engaged in farming as may request the same and as far as the means of the station will permit. Such bulletins or reports and the annual reports of said stations shall be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster General may from time to time prescribe.

SEC. 5. That for the purpose of paying the necessary expenses of conducting investigations and experiments and printing and distributing the results as hereinbefore prescribed, the sum of fifteen thousand dollars per annum is hereby appropriated to each State, to be specially provided for by Congress in the appropriations from year to year, and to each Territory entitled under the provisions of section eight of this act, out of any money in the Treasury proceeding from the sales of public lands, to be paid in equal quarterly payments on the first day of January, April, July, and October in each year, to the treasurer or other officer duly appointed by the governing boards of said colleges to receive the same, the first payment to be made on the first day of October, eighteen hundred and eighty-seven: *Provided, however*, That out of the first annual appropriation so received by any station an amount not exceeding one-fifth may be expended in the erection, enlargement, or repair of a building or buildings

necessary for carrying on the work of such station; and thereafter an amount not exceeding five per centum of such annual appropriation may be so expended.

SEC. 6. That whenever it shall appear to the Secretary of the Treasury from the annual statement of receipts and expenditures of any of said stations that a portion of the preceding annual appropriation remains unexpended, such amount shall be deducted from the next succeeding annual appropriation to such station, in order that the amount of money appropriated to any station shall not exceed the amount actually and necessarily required for its maintenance and support.

SEC. 7. That nothing in this act shall be construed to impair or modify the legal relation existing between any of the said colleges and the government of the States or Territories in which they are respectively located.

SEC. 8. That in States having colleges entitled under this section to the benefits of this act and having also agricultural experiment stations established by law separate from said colleges, such States shall be authorized to apply such benefits to experiments at stations so established by such States; and in case any State shall have established, under the provisions of said act of July second aforesaid, an agricultural department or experimental station in connection with any university, college, or institution not distinctly an agricultural college or school, and such State shall have established or shall hereafter establish a separate agricultural college or school, which shall have connected therewith an experimental farm or station, the legislature of such State may apply in whole or in part the appropriation by this act made to such separate agricultural college or school, and no legislature shall by contract, express or implied, disable itself from so doing.

SEC. 9. That the grants of moneys authorized by this act are made subject to the legislative assent of the several States and Territories to the purposes of said grants: *Provided*, That payment of such installments of the appropriation herein made as shall become due to any State before the adjournment of the regular session of its legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof duly certified to the Secretary of the Treasury.

SEC. 10. Nothing in this act shall be held or construed as binding the United States to continue any payments from the Treasury to any or all the States or institutions mentioned in this act, but Congress may at any time amend, suspend, or repeal any or all the provisions of this act.

Approved, March 2, 1887 (24 Stat. L., 440).

ACT OF 1888 AMENDING (HATCH) ACT OF 1887.

AN ACT To amend an act entitled "An act to establish agricultural stations in connection with the colleges established in the several States under the provisions of an act approved July second, eighteen hundred and sixty-two, and the acts supplementary thereto."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the grant of money authorized by the act of Congress entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July second, eighteen hundred and sixty-two, and of acts supplementary thereto," are subject as therein provided to the legislative assent of the States or Territories to be affected thereby; but as to such installments of the appropriations as may be now due or may hereafter become due, when the legislature may not be in session, the governor of said State or Territory may make the assent therein provided, and upon a duly certified copy thereof to the Secretary of the Treasury he shall cause the same to be paid in

the manner provided in the act of which this is amendatory, until the termination of the next regular session of the legislature of such State or Territory.

Approved, June 7, 1888 (25 Stat. L., 176).

PROVISO IN ACT MAKING APPROPRIATIONS FOR THE UNITED STATES DEPARTMENT OF AGRICULTURE FOR THE FISCAL YEAR ENDING JUNE 30, 1890, FURTHER DEFINING WORK OF STATIONS ESTABLISHED UNDER ACT OF MARCH 2, 1887 (HATCH ACT).

That, as far as practicable, all such stations shall devote a portion of their work to the examination and classification of soils of their respective States and Territories, with a view to securing more extended knowledge and better development of their agricultural capabilities.

Approved, March 2, 1889 (25 Stat. L., 841).

ACT OF 1906 FOR THE FURTHER ENDOWMENT OF AGRICULTURAL EXPERIMENT STATIONS.

[Adams Act.]

AN ACT To provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, to be paid as hereinafter provided, to each State and Territory, for the more complete endowment and maintenance of agricultural experiment stations now established or which may hereafter be established in accordance with the act of Congress approved March second, eighteen hundred and eighty-seven, the sum of five thousand dollars in addition to the sum named in said act for the year ending June thirtieth, nineteen hundred and six, and an annual increase of the amount of such appropriation thereafter for five years by an additional sum of two thousand dollars over the preceding year, and the annual amount to be paid thereafter to each State or Territory shall be thirty thousand dollars, to be applied only to paying the necessary expenses of conducting original researches or experiments bearing directly on the agricultural industry of the United States, having due regard to the varying conditions and needs of the respective States or Territories.

SEC. 2. That the sums hereby appropriated to the States and Territories for the further endowment and support of agricultural experiment stations shall be annually paid in equal quarterly payments on the first day of January, April, July, and October of each year by the Secretary of the Treasury, upon the warrant of the Secretary of Agriculture, out of the Treasury of the United States, to the treasurer or other officer duly appointed by the governing boards of said experiment stations to receive the same, and such officers shall be required to report to the Secretary of Agriculture on or before the first day of September of each year a detailed statement of the amount so received and of its disbursement, on schedules prescribed by the Secretary of Agriculture. The grants of money authorized by this act are made subject to legislative assent of the several States and Territories to the purpose of said grants: *Provided*, That payment of such installments of the appropriation herein made as shall become due to any State or Territory before the adjournment of the regular session of legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof, duly certified by the Secretary of the Treasury.

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SEC. 3. That if any portion of the moneys received by the designated officer of any State or Territory for the further and more complete endowment, support, and maintenance of agricultural experiment stations as provided in this act shall by any action or contingency be diminished or lost or be misapplied, it shall be replaced by said State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory; and no portion of said moneys exceeding five per centum of each annual appropriation shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings, or to the purchase or rental of land. It shall be the duty of each of said stations annually, on or before the first day of February, to make to the governor of the State or Territory in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures, a copy of which report shall be sent to each of said stations, to the Secretary of Agriculture, and to the Secretary of the Treasury of the United States.

SEC. 4. That on or before the first day of July in each year after the passage of this act the Secretary of Agriculture shall ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is complying with the provisions of this act and is entitled to receive its share of the annual appropriation for agricultural experiment stations under this act and the amount which thereupon each is entitled, respectively, to receive. If the Secretary of Agriculture shall withhold a certificate from any State or Territory of its appropriation, the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the Treasury until the close of the next Congress, in order that the State or Territory may, if it shall so desire, appeal to Congress from the determination of the Secretary of Agriculture. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury; and the Secretary of Agriculture is hereby charged with the proper administration of this law.

SEC. 5. That the Secretary of Agriculture shall make an annual report to Congress on the receipts and expenditures and work of the agricultural experiment stations in all of the States and Territories, and also whether the appropriation of any State or Territory has been withheld; and if so, the reason therefor.

SEC. 6. That Congress may at any time amend, suspend, or repeal any or all of the provisions of this act.

Approved, March 16, 1906 (34 Stat. L., 63).

CLAUSE IN ACT MAKING APPROPRIATIONS FOR THE UNITED STATES DEPARTMENT OF AGRICULTURE FOR THE FISCAL YEAR ENDING JUNE 30, 1907, INTERPRETING THE ACT OF MARCH 16, 1906 (ADAMS ACT).

The act of Congress approved March sixteenth, nineteen hundred and six, entitled "An act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof," shall be construed to appropriate for each station the sum of five thousand dollars for the fiscal year ending June thirtieth, nineteen hundred and six, the sum of seven thousand dollars for the fiscal year ending June thirtieth, nineteen hundred and seven, the sum of nine thousand dollars for the fiscal year ending June thirtieth, nineteen hundred and eight, the sum of eleven thousand dollars for the fiscal year ending June thirtieth, nineteen hundred and nine, the sum of thirteen thousand dollars for the fiscal year ending June thirtieth, nineteen hundred and ten, and the sum of fifteen thousand dollars for the fiscal year ending June thirtieth, nineteen hundred and eleven. The sum of five thousand dollars

appropriated for the fiscal year nineteen hundred and six shall be paid on or before June thirtieth, nineteen hundred and six, and the amounts appropriated for the subsequent years shall be paid as provided in the said act to each State and Territory for the more complete endowment and maintenance of agricultural experiment stations now established or which may hereafter be established in accordance with the act of Congress approved March second, eighteen hundred and eighty-seven.

Approved, June 30, 1906 (34 Stat. L., 669, 696).

SALE OF CARD INDEX OF EXPERIMENT STATION LITERATURE.

[Extract from act making appropriations for the United States Department of Agriculture for the fiscal year ending June 30, 1909.]

And the Secretary of Agriculture hereafter may furnish to such institutions or individuals as may care to buy them copies of the card index of agricultural literature prepared by the Office of Experiment Stations, and charge for the same a price covering the additional expense involved in the preparation of these copies, the money received from such sales to be deposited in the Treasury of the United States as miscellaneous receipts. * * *

Approved, May 23, 1908 (35 Stat. L., 266).

ANNUAL APPROPRIATIONS FOR THE EXPERIMENT STATIONS AND THE RELATIONS OF THE OFFICE OF EXPERIMENT STATIONS THERETO.

[Extract from act making appropriations for the United States Department of Agriculture for the fiscal year ending June 30, 1913.]

To carry into effect the provisions of an act approved March second, eighteen hundred and eighty-seven, entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July second, eighteen hundred and sixty-two, and of the acts supplementary thereto," the sums apportioned to the several States and Territories to be paid quarterly in advance, seven hundred and twenty thousand dollars.

To carry into effect the provisions of an act approved March sixteenth, nineteen hundred and six, entitled "An act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof," the sums apportioned to the several States and Territories to be paid quarterly in advance, seven hundred and twenty thousand dollars: *Provided*, That not to exceed fifteen thousand dollars shall be paid to each State and Territory under this act.

To enable the Secretary of Agriculture to enforce the provisions of the above acts relative to their administration * * *, thirty-eight thousand four hundred dollars; and the Secretary of Agriculture shall prescribe the form of the annual financial statement required under the above acts, ascertain whether the expenditures are in accordance with their provisions, and make report thereon to Congress.

To enable the Secretary of Agriculture to establish and maintain agricultural experiment stations in Alaska, Hawaii, Porto Rico, and the island of Guam, including the erection of buildings, the preparation, illustration, and distribution of reports and bulletins, and all other necessary expenses, one hundred and five thousand dollars, as follows: Alaska, thirty thousand dollars; Hawaii, thirty thousand dollars; Porto Rico, thirty thousand dollars; and Guam, fifteen

thousand dollars; and the Secretary of Agriculture is authorized to sell such products as are obtained on the land belonging to the agricultural experiment stations in Alaska, Hawaii, Porto Rico, and the island of Guam and to apply the money received from the sale of such products to the maintenance of said stations, and this fund shall be available until used.

AGRICULTURAL EDUCATION WORK OF THE OFFICE OF EXPERIMENT STATIONS.

[Extract from act making appropriations for the United States Department of Agriculture for the fiscal year ending June 30, 1913.]

To enable the Secretary of Agriculture to investigate and report upon the organization and progress of farmers' institutes and agricultural schools in the several States and Territories, and upon similar organizations in foreign countries, with special suggestions of plans and methods for making such organizations more effective for the dissemination of the results of the work of the Department of Agriculture and the agricultural experiment stations and of improved methods of agricultural practice * * *, fifteen thousand seven hundred and sixty dollars.

PRINTING OF REPORT ON WORK AND EXPENDITURES OF THE EXPERIMENT STATIONS.

[Joint resolution of Congress, Apr. 27, 1904.]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed eight thousand copies of the Report of the Director of the Office of Experiment Stations, prepared under the supervision of the Secretary of Agriculture, on the work and expenditures of that office and of the agricultural experiment stations established in the several States and Territories under the act of Congress of March second, eighteen hundred and eighty-seven, for nineteen hundred and three, of which one thousand copies shall be for the use of the Senate, two thousand copies for the use of the House of Representatives, and five thousand copies for the use of the Department of Agriculture; and that annually hereafter a similar report shall be prepared and printed, the edition to be the same as for the report herein provided.

COOPERATION OF BUREAUS OF THE UNITED STATES DEPARTMENT OF AGRICULTURE WITH THE STATE EXPERIMENT STATIONS.

The act making appropriations for the United States Department of Agriculture for the fiscal year ending June 30, 1913, provides for cooperation between the Bureau of Animal Industry and the State agricultural experiment stations in experiments in animal feeding and breeding and between the Bureau of Plant Industry and the stations in testing and breeding fiber plants, including flax straw for paper making (at the North Dakota Agricultural College), and in testing rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries.

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**REGULATIONS OF THE POST OFFICE DEPARTMENT CONCERNING
AGRICULTURAL EXPERIMENT STATION PUBLICATIONS.**

Sections 515, 516, and 517 of the Postal Laws and Regulations (1902) of the United States relating to the free transmission of reports and bulletins of agricultural colleges and experiment stations read as follows:

SEC. 515. One copy of each of the annual reports required by law to be made to the Secretary of the Interior and the Secretary of Agriculture, by such colleges as are or may hereafter be established for the benefit of agriculture and the mechanic arts in the several States and Territories under the provisions of the act of July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," and the acts amendatory thereof * * * shall be transmitted by mail free, by each, to all the other colleges which may be endowed under the provisions of this act (of July 2, 1862), and also one copy to the Secretary of the Interior and the Secretary of Agriculture.

2. Postmasters at offices where colleges are established under the provisions of the act of July 2, 1862, will receive from the officers thereof the reports referred to addressed, one copy each, to such other colleges and to the Secretary of the Interior and the Secretary of Agriculture, and affix to each a penalty label or official envelope of the post office, and forward the same free.

SEC. 516. Bulletins or reports of progress, one copy to each newspaper in the State or Territory in which the colleges hereafter referred to are located, and to such individuals actually engaged in farming as may request the same, and the annual reports required by law to be published by the agricultural experiment stations established under the provisions of the act of March 2, 1887, entitled "An act to establish agricultural experiment stations in connection with the colleges established in the various States and Territories under the provisions of an act approved July 2, 1862, and the acts supplementary thereto," for the benefit of agriculture and the mechanic arts (*of said stations*) shall be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster General may from time to time prescribe.

SEC. 517. Agricultural experiment stations which claim the privilege of transmitting free through the mails, under the provisions of the preceding section, bulletins, reports of progress, or annual reports, must make application to the Postmaster General, stating the date of the establishment of such station, its proper name or designation, its official organization, and the names of its officers, the name of the university, college, school, or institution to which it is attached, if any, the legislation of the State or Territory providing for its establishment, and any other granting it the benefits of the provision made by Congress as referred to in the preceding section, accompanied by a copy of the act or acts, and whether any other such station in the same State or Territory is considered, or claims to be, also entitled to the privilege; and also the place where such station is located and the name of the post office where the bulletins and reports will be mailed. The application must be signed by the officer in charge of the station.

2. If such application is allowed by the Postmaster General the postmaster at the proper office will be instructed to admit such bulletins and reports to the mails free of postage, and the officer in charge of the station will be notified thereof.

3. Only such bulletins or reports as shall have been issued after an experiment station became entitled to the privileges of the preceding section can be

transmitted free; and such bulletins or reports may be inclosed in envelopes or wrappers, sealed or unsealed. On the exterior of every envelope, wrapper, or package must be written or printed the name of the station and place of its location, the designation of the bulletin or report inclosed, and the word "Free" over the signature or facsimile thereof of the officer in charge of the station, to be affixed by himself, or by some one duly authorized by him. There may also be written or printed upon the envelope or wrapper a request that the postmaster at the office of delivery will notify the mailing station of the change of address of the addressee, or other reason for inability to deliver the same, and upon a bulk package a request to the postmaster to open and distribute the "franked" matter therein, in accordance with the addresses thereon.

4. Bulletins published by the United States Department of Agriculture, and entitled to be mailed free under the penalty envelope of that department, may also be adopted and mailed by agricultural experiment stations, with such of their own publications as are entitled to free transmission in the mails, under the same regulations; and any bulletins or reports mailable free by any agricultural experiment station under these regulations may be so mailed by any other station entitled to such privilege.

5. If annual reports of an agricultural experiment station are printed by State authority, and consist in part of matter relating to the land-grant college to which such station is attached, then said report entire may be mailed free by the director of the station, provided, in his judgment, the whole consists of useful information of an agricultural character. But the reports of State agricultural departments or boards can not be adopted by agricultural experiment stations in order to secure free circulation of such State reports.

6. The bulletins and reports of progress issued by agricultural experiment stations can only be sent free to the newspapers and persons stated in the preceding section. The annual reports may be sent free to any address.

A part of section 544, relating to free transmission of annual reports to certain foreign countries, reads as follows:

The annual reports of agricultural experiment stations may be sent free to Canada, Cuba, and Mexico.

A part of section 672, relating to the return and disposal of unclaimed official matter, as amended April 26, 1912, reads as follows:

Unclaimed official mail sent under penalty envelope or label or the frank of a Member of Congress, and unclaimed reports and bulletins sent out from State agricultural colleges and from agricultural experiment stations will be returned to the office of mailing if it is known. If the office of origin can not be ascertained, such mail will be returned to the post office at Washington, D. C.

An order of the Postmaster General provides—

Any article entitled to transmission free of postage in the domestic mails of the United States, either in a "penalty" envelope or under a duly authorized "frank," shall be entitled likewise to transmission in the mails free of postage between places in any possession of the United States from one to another of such possessions, from the United States to such possessions, and from such possessions to the United States.

Among rulings on matters of detail the following are the most important:

In sending out bulletins from an agricultural experiment station it is permissible to inclose postal cards to enable correspondents of the station to

acknowledge the receipt of its publications and to request their continuous transmission.

"Copies of the reports or bulletins of the agricultural experiment stations, which are purchased, paid, or subscribed for, or otherwise disposed of for gain, when sent in the mails, are not entitled to free carriage under the 'frank' of the director of station."

Station bulletins and reports, consisting of typewritten matter duplicated on a mimeograph or other duplicating machine, "retain their character as free matter when properly franked by the director of the station."

Cards upon which are printed bulletins issued by agricultural experiment stations established under the provisions of the act of March 2, 1887, may be sent openly in the mails, free of postage, provided the address side of such cards bears the indicia prescribed in paragraph 3, section 517, Postal Laws and Regulations, for envelopes used by the experiment stations referred to in mailing copies of their bulletins and reports.

Reports of the State boards of agriculture or other State boards, commissioners, or officers, even though they contain station bulletins and reports, can not be sent free through the mails under the frank of the director of the station. The catalogue of the college of which the station is a department can not be sent free through the mails under the frank of the director of the station, whether said catalogue is published separately or is bound together with a station publication.

RULINGS OF THE TREASURY DEPARTMENT AFFECTING AGRICULTURAL EXPERIMENT STATIONS.

From copies of letters addressed to the Secretary of the Treasury and others by the First Comptroller of the Treasury, relating to the construction of the acts of Congress of March 2, 1887 (Hatch Act), and March 16, 1906 (Adams Act), and acts supplementary thereto, the following digest has been prepared. The dates of the decisions by the comptroller are given:

SECTION 3, HATCH ACT—JANUARY 30, 1888.

The annual financial statement of the stations, with vouchers, should not be sent to the Treasury Department, but a copy simply of the report that is made to the governor is to be sent to the Secretary of the Treasury.

SECTION 3, HATCH ACT—JANUARY 31, 1888.

(1) The Treasury Department will not require officers of experiment stations to do or perform anything not specifically required by said bill.

(2) The Secretary of the Treasury is not required to take a bond of the officers of said stations for the money paid over under the provisions of said act.

(3) No reports will be required from the stations directly to the Secretary of the Treasury; but the governor of the State must send to the Secretary of the Treasury a copy of the report made to him by the colleges or stations.

SECTION 4, HATCH ACT—DECEMBER 16, 1895.

The Solicitor of the Treasury writes: "I am of the opinion that there is no authority for an agricultural experiment station to sell its bulletins outside of the State or Territory. Congress appropriates for the publication and free distribution of the bulletins, and neither expressly nor by necessary implication authorizes their sale."

SECTION 6, HATCH ACT—AUGUST 2, 1888.

The fiscal year commences on the 1st day of July, corresponding with the fiscal year of the Government.

An agricultural station entitled to the benefits of said appropriations made by Congress can anticipate the payment to be made July 1, and make contracts of purchases prior to that time, if it shall be necessary to carry on the work of the station. Of course, no portion of said appropriations paid in quarterly installments can be drawn from the Treasury unless needed for the purposes indicated in the act; and so much of what is so drawn as may not have been expended within the year must be accounted for as part of the appropriation for the following year.

SECTION 8, HATCH ACT—JANUARY 30, 1888.

The State of New York ought to designate whether to the college or to the station or to both it desires the appropriation to be applied. The eighth section of the act seems to authorize the State to apply such benefits to experimental stations it may have established as it desires.

Where there are no experimental stations connected with the colleges, the legislatures of such States must connect the agricultural experiment station with the colleges already established under the act of July 2, 1862; there is no authority in the act authorizing the establishment of agricultural experiment stations independent of said colleges.

The act contemplates that where stations have already been established disconnected from the colleges the legislatures of such States may make such provisions in regard thereto as they may deem proper; but it does not authorize the establishment of stations except in connection with the colleges that were at that time or might hereafter be established under the act of July 2, 1862.

SECTION 8, HATCH ACT—FEBRUARY 14, 1888.

Where there is an agricultural college or station which may have been established by State authority and is maintained by the State, the eighth section of the above act would authorize the State to designate the station to which it desired the appropriation to be applied, whether to one or more, or all, and the Secretary of the Treasury should make the payment under the appropriation to whichever one the State might desire.

SECTIONS 1 AND 8, HATCH ACT—FEBRUARY 15, 1888.

(1) When an agricultural college or station has been established under the act of July 2, 1862, each college is entitled to the benefits of the provisions of said act (i. e., of Mar. 2, 1887).

(2) In a State where an agricultural college has been established under the act of July 2, 1862, and agricultural stations have also been established, either under the act of July 2, 1862, or by State authority, before March 2, 1887, the legislature of such State shall determine which one of said institutions, or how many of them, shall receive the benefits of the act of March 2, 1887.

(3) If the legislature of any State in which an agricultural college has been established under the act of July 2, 1862, desires to establish an agricultural station which shall be entitled to the benefits of said act, it must establish such station in connection with said college.

SECTIONS 1 AND 8, HATCH ACT—DECEMBER 7, 1888.

It is within the power of the legislature of any State that has accepted the provisions of said act of March 2, 1887, to dispose of the amount appropriated

by Congress for said station to each one or all of the agricultural colleges or stations which may have been established in said State by virtue of either the provisions of the act of July 2, 1862, or the provisions of said eighth section of the act of March 2, 1887.

The whole responsibility rests upon the State legislature as to how the fund appropriated by Congress shall be distributed among these various institutions of the State, provided there is one or more agricultural colleges with which an agricultural station is connected or one or more agricultural stations.

UNEXPENDED BALANCES OF APPROPRIATIONS, HATCH AND ADAMS ACTS—AUGUST 11, 1911, AND DECEMBER 27, 1911.

Section 3 of the so-called Adams Act of March 16, 1906 (34 Stat., 63), which provides for an increased annual appropriation for agricultural experiment stations, requires that such part of the money appropriated under the provisions of said act as may be diminished or lost or misapplied after being received by the officer of the State or Territory designated to receive same must "be replaced by said State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory"; and this requirement is an absolute prohibition upon the apportionment until such replacement is actually made, a mere withholding from the subsequent appropriation of an amount equal to that diminished, lost, or misapplied not being a compliance with said statute. (18 Comp. Dec., 120.)

Such funds may be replaced by expending the amount involved for the purposes for which the funds were originally appropriated, to the satisfaction of the Secretary of Agriculture. There is "no limitation on time within which the replacement shall be made," but "no apportionment whatever can be made until the misapplied moneys are replaced."

The provision in the Hatch Act of March 2, 1887 (24 Stat., 440), requiring the deduction of unexpended apportionments of appropriations applies also to appropriations under the Adams Act of March 16, 1906 (34 Stat., 63). (18 Comp. Dec., 485.)

Such unexpended balances must be accounted for as a part of the appropriation for the next succeeding year; in short, each station must account every year for the specific sum (fifteen thousand dollars) provided by Congress, although the amount actually paid to the station in any one year may be less than fifteen thousand dollars on account of the deduction of an unexpended balance for the preceding fiscal year.

RULINGS OF THE DEPARTMENT OF AGRICULTURE ON THE WORK AND EXPENDITURES OF AGRICULTURAL EXPERIMENT STATIONS.

In connection with examinations of the work and expenditures of the agricultural experiment stations established in accordance with the act of Congress of March 2, 1887, and further endowed under act of Congress of March 16, 1906, under authority given to the Secretary

of Agriculture by Congress, questions have arisen which have seemed to make it advisable to formulate the views of this department on certain matters affecting the management of the stations under those acts. The rulings which have been made from time to time on points which seemed to require special attention are as follows:

EXPENDITURES FOR PERMANENT SUBSTATIONS.

This department holds that the expenditure of funds appropriated in accordance with the provisions of the act of Congress of March 2, 1887, for the maintenance of permanent substations is contrary to the spirit and intent of said act. The act provides for an experiment station in each State and Territory, which, except in cases specified in the act, is to be a department of the college established under the act of Congress of July 2, 1862. The objects of the stations, as defined in the first-mentioned act, are evidently of such a character as to necessitate the services of scientific and expert workers. Most of the lines of investigation named in the act are general, rather than local, and involve scientific equipment and work. It is obviously the intent that the stations established under this act shall carry on important investigations which shall be of general benefit to the agriculture of the several States and Territories. The sum of \$15,000, which is annually appropriated by Congress under this act for each station, is only sufficient to carry out a limited number of investigations of the kind contemplated by the act.

As the work of the stations in the different States has developed it has been found necessary to limit, rather than expand, the lines of work of the individual stations. Thorough work in a few lines has been found more effective and productive of more useful results than small investigations in numerous lines. When we consider the nature of the investigations, the amount of money provided for the work of each station, and the fact that the act expressly provides for only a single station in connection with each college, it becomes very clear that expenditures such as are necessary to effectually maintain permanent substations ought not to be made from the funds granted by Congress to the States and Territories for experiment stations. The maintenance of permanent substations, as a rule, involves the erection of buildings and the making of other permanent improvements. The sums of money which can be expended for permanent improvements under the act of Congress aforesaid are so small that it is clear they were not intended to meet the needs of more than one station in each State and Territory.

When the legislature of a State or Territory has given its assent to the provisions of the act of Congress of March 2, 1887, and has designated the institution which shall receive the benefits of said act, it would seem to have exhausted its powers in the matter. The responsibility for the maintenance of an experiment station under said act devolves upon the governing board of the institution thus designated. If the legislature of the State or Territory sees fit to provide funds for the equipment and maintenance of other experiment stations and to put them under the control of the same governing board, well and good, but this does not in any way diminish the responsibility of the board to administer the funds granted by Congress in accordance with the provisions of said act.

The wisdom of Congress in limiting the number of stations to be established in each State and Territory under the aforesaid act has been clearly shown by the experience of the few States and Territories which have attempted the maintenance of substations with the funds granted under said act. The expense of maintaining substations has, as a rule, materially weakened the central

station, and the investigations carried on at the substations have been superficial and temporary. It is granted that in many States and Territories more than one agricultural experiment station might do useful work, and in some States more than one station has already been successfully maintained; but in all these cases the State has given funds from its own treasury to supplement those given by Congress. It is also granted that experiment stations established under said act of Congress and having no other funds than those provided by that act will often need to carry on investigations in different localities in their respective States and Territories, but it is held that this should be done in such a way as will secure the thorough supervision of such investigations by the expert officers of the station and that arrangements for such experimental inquiries should not be of so permanent a character as to prevent the station from shifting its work from place to place as circumstances may require nor involve the expenditure of funds in such amounts and in such ways as will weaken the work of the station as a whole.

As far as practicable the cooperation of individuals and communities benefited by these special investigations should be sought and, if necessary, the aid of the States invoked to carry on enterprises too great to be successfully conducted within the limits of the appropriation granted by Congress under the act aforesaid.

* PURCHASE OR RENTAL OF LANDS FOR AGRICULTURAL EXPERIMENT STATIONS.

This department holds that the purchase or rental of lands by the experiment stations from the funds appropriated in accordance with the provisions of the act of Congress of March 2, 1887, is contrary to the spirit and intent of said act. The act provides for "paying the necessary expenses of conducting investigations and experiments and printing and distributing the results. * * * *Provided, however,* That out of the first annual appropriation so received by any station an amount not exceeding one-fifth may be expended in the erection, enlargement, or repair of a building or buildings necessary for carrying on the work of such stations; and thereafter an amount not exceeding five per centum of such annual appropriation may be so expended." The only reference to land for the station in the act is in section 8, where State legislatures are authorized to apply appropriations made under said act to separate agricultural colleges or schools established by the State "which shall have connected therewith an experimental farm or station." The strict limitation of the amount provided for buildings and the absence of any provision for the purchase or rental of lands, when taken in connection with the statement in the eighth section, which treats the farm as in a sense a necessary adjunct of the educational institution to which the whole or a part of the funds appropriated in accordance with said act might in certain cases be devoted, point to the conclusion that it was expected that the institution of which the station is a department would supply the land needed for experimental purposes and that charges for the purchase or rental of lands would not be made against the funds provided by Congress for the experiment station. This conclusion is reenforced by consideration of a wise and economic policy in the management of agricultural experiment stations, especially as relating to cases in which it might be desirable for the station to have land for experimental purposes in different localities. The investigations carried on by the stations in such cases being for the direct benefit of agriculture in the localities where the work is done, it seems only reasonable that persons or communities whose interests will be advanced by the station work should contribute the use of the small tracts of land which will be required for experimental purposes. Experience shows

that in most cases the stations have had no difficulty in securing such land as they needed without expense, and it is believed that this may be done in every case without injuriously affecting the interests of the stations.

EXPENDITURES BY AGRICULTURAL EXPERIMENT STATIONS FOR CARRYING ON FARM OPERATIONS.

This department holds that expenses incurred in conducting the operations of farms, whether the farms are connected with institutions established under the act of Congress of July 2, 1862, or not, are not a proper charge against the funds appropriated by Congress for agricultural experiment stations in accordance with the act of Congress of March 2, 1887, unless such operations definitely constitute a part of agricultural investigations or experiments planned and conducted in accordance with the terms of the act aforesaid, under rules and regulations prescribed by the governing board of the station. The performance of ordinary farm operations by an experiment station does not constitute experimental work. Operations of this character by an experiment station should be confined to such as are a necessary part of experimental inquiries. Carrying on a farm for profit or as a model farm, or to secure funds which may be afterwards devoted to the erection of buildings for experiment station purposes, to the further development of experimental investigation, or to any other purpose, however laudable and desirable, is not contemplated by the law as a part of the functions of an agricultural experiment station established under the act of Congress of March 2, 1887. Section 5 of that act plainly limits the expenditures of funds appropriated in accordance with said act to "the necessary expenses of conducting investigations and experiments and printing and distributing the results."

FUNDS ARISING FROM THE SALE OF FARM PRODUCTS OR OTHER PROPERTY OF AN AGRICULTURAL EXPERIMENT STATION.

This department holds that moneys received from the sales of farm products or other property in the possession of an agricultural experiment station as the result of expenditures of funds received by the station in accordance with the act of Congress of March 2, 1887, rightfully belong to the experiment station as a department of the college or other institution with which it is connected, and may be expended in accordance with the laws or regulations governing the financial transactions of the governing board of the station, provided, however, that all expenses attending such sales, including those attending the delivery of the property into the possession of the purchaser, should be deducted from the gross receipts from the sales and should not be made a charge against the funds appropriated by Congress.

LIMIT OF EXPENDITURES OF EXPERIMENT STATIONS DURING ONE FISCAL YEAR.

This department holds that expenses incurred by an agricultural experiment station in any one fiscal year to be paid from the funds provided under the act of Congress of March 2, 1887, should not exceed the amount appropriated to the station by Congress for that year, and especially that all personal services should be paid for out of the appropriation of the year in which they were performed, and that claims for compensation for such services can not properly be paid out of the appropriations for succeeding years. The several appropriations for experiment stations under the aforesaid act are for one year only, and officers of experiment stations have no authority to contract for expenditures beyond the year for which Congress has made appropriations.

This is plainly implied in the act aforesaid, inasmuch as section 6 provides that unexpended balances shall revert to the Treasury of the United States, "in order that the amount of money appropriated to any station shall not exceed the amount actually and necessarily required for its maintenance and support." The annual financial report rendered in the form prescribed by this department should in every case include only the receipts and expenditures of the fiscal year for which the report is made.

EXPENDITURES BY AGRICULTURAL EXPERIMENT STATIONS FOR A WATER SYSTEM TO BE CHARGED UNDER "BUILDINGS AND REPAIRS."

This department holds that expenditures by agricultural experiment stations from the funds appropriated in accordance with the act of Congress of March 2, 1887, for the construction of wells, cisterns, ponds, or other reservoirs for the storage of water, and for piping, and other materials for a system of storing and distributing water, are properly charged, under abstract 18 in the schedule for financial reports prescribed by this department, as being for improvements on lands which have hitherto been held to come under the head of "buildings and repairs." The fact that a water system may be a necessary adjunct of certain experimental inquiries does not affect the case, inasmuch as the limitations on expenditures for improvements contained in section 5 of the act of Congress of March 2, 1887, expressly stipulate that these improvements shall be such as are necessary for carrying on the work of the station.

EXPENDITURES BY AGRICULTURAL EXPERIMENT STATIONS FOR MEMBERSHIP IN AGRICULTURAL AND OTHER ORGANIZATIONS.

This department holds that membership fees in associations and other organizations are not a proper charge against the funds appropriated by Congress in accordance with the act of March 2, 1887, except in the case of the Association of American Agricultural Colleges and Experiment Stations, which is held to be an essential part of the system of experiment stations established under said act.

THE BORROWING OF MONEY TO PAY THE EXPENSES OF AGRICULTURAL EXPERIMENT STATIONS.

This department holds that experiment station officers have no authority to borrow money to be repaid out of appropriations made under the act of Congress of March 2, 1887, and that charges for interest can not properly be made against funds appropriated under that act.

THE USE OF EXPERIMENT STATION FUNDS FOR COLLEGE PURPOSES.

This department holds that no portion of the funds appropriated by Congress in accordance with the act of March 2, 1887, can legally be used, either directly or indirectly, for paying the salaries or wages of professors, teachers, or other persons whose duties are confined to teaching, administration, or other work in connection with the courses of instruction given in the colleges with which the stations are connected or in any other educational institution; nor should any other expenses connected with the work or facilities for instruction in school or college courses be paid from said fund. In case the same persons are employed in both the experiment station and the other departments of the college with which the station is connected a fair and equitable division of salaries or wages should be made, and in case of any other expenditures for the joint benefit of the experiment station and the other departments of the college the aforesaid funds should be charged with only a fair share of such expenditures.

EXPENSES FOR EXTENSION WORK NOT CHARGEABLE TO THE HATCH FUND.

[Extract from circular letter of the Director of the Office of Experiment Stations of Feb. 25, 1909.]

Expenses for extension work should not be charged against the Hatch fund, and * * * only such printing should be done with that fund as will record the experimental work of the stations established under the Hatch Act. * * *

EXPENDITURES AND ACCOUNTING UNDER THE ADAMS FUND.

[Extract from circular letter of the Secretary of Agriculture of Mar. 20, 1906.]

Under the terms of the act it will be necessary that a separate account of the Adams fund shall be kept at each station, which should be open at all times to the inspection of the Director of the Office of Experiment Stations or his accredited representative. * * *

The Adams fund is "to be applied only to paying the necessary expenses of conducting original researches or experiments bearing directly on the agricultural industry of the United States." It is for the "more complete endowment and maintenance" of the experiment stations, presupposing the provision of a working plant and administrative officers. Accordingly, expenses for administration, care of buildings and grounds, insurance, office furniture and fittings, general maintenance of the station farm and animals, verification and demonstration experiments, compilations, farmers' institute work, traveling, except as is immediately connected with original researches in progress under this act, and other general expenses for the maintenance of the experiment stations, are not to be charged to this fund. The act makes no provision for printing or for the distribution of publications, which should be charged to other funds. * * *

CLASSIFICATION OF STATION ACCOUNTS.

In accordance with the requirement that the Secretary of Agriculture shall prescribe the form of the annual financial statement required under the Hatch and Adams Acts, forms are issued by the Office of Experiment Stations which provide for the classification of station accounts under 18 ledger headings, as follows:

- (1) *Salaries*—administrative, technical, and clerical.
- (2) *Labor*, regular and temporary, in connection with experiments.
- (3) *Publications*, printing, illustration, envelopes for mailing, etc.
- (4) *Postage and stationery*, including means of communication, such as telephone, telegraph, and cable service; and stationery for office and record purposes, forms, index cards, etc.
- (5) *Freight and express*, including drayage or other charges for handling freight.
- (6) *Heat, light, water, and power.*
- (7) *Chemicals and laboratory supplies* for all departments of the station, not including apparatus of permanent character.
- (8) *Seeds, plants, and sundry supplies* not otherwise provided for, for various departments.
- (9) *Fertilizers*, including water for irrigation.
- (10) *Feeding stuffs* for work animals and those under experiment.
- (11) *Library*—books, periodicals, and binding, but not including equipment or general supplies.

- (12) *Tools, machinery, and appliances*, such as agricultural implements and machines, motors, mills, pumps, vehicles, harness, and small movable structures like animal cages, brooders, or shelters, including repairs to same.
- (13) *Furniture and fixtures* for offices and laboratories—desks, cases, typewriters, and office appliances.
- (14) *Scientific apparatus and specimens*, including mounted insects, fungi, etc.
- (15) *Live stock*, including purchase of animals of all kinds for work or experimental purposes, but not their feeding and care.
- (16) *Traveling expenses* in supervision of station work or in connection with it.
- (17) *Contingent expenses*, to be itemized in detail.
- (18) *Buildings and land*, including all expenses for labor and material for the erection, alteration, and repair of buildings, permanent structures built in place, purchase of permanent fixtures forming part of a building, purchase or rental of land (under Adams fund only), and improvements on land, such as roads, fences, drainage or water systems, etc.

REQUIREMENTS OF EXPERIMENT STATION ACCOUNTING.

[See circular letter of the Director of the Office of Experiment Stations of Mar. 1, 1911.]

The principle which should guide is that all expenditures from the Hatch fund must be for experimental work and publications, and all expenditures from the Adams fund for the projects agreed upon in advance with the Office of Experiment Stations.

In adjusting the salaries of station employees only such portion of their time as is occupied in connection with experimental work and the publication of the results thereof, including correspondence directly relating to the experimental work, should be charged to the Federal funds for the station. All business and correspondence connected with the college, inspection service, and extension department or bureau of information should be paid for from other funds.

The same principle should be applied to all other expenditures from these funds for the maintenance of the station.

The Adams fund expenditures for salaries, labor, travel, apparatus, books, and maintenance should be strictly confined to those necessitated by the projects on file which have been approved by this office. Each voucher should be indorsed with the title of the project for which the expenditure was incurred, and be O. K'd by the officer in immediate charge of the project as well as by the director.

Separate accounts should be kept for the Hatch, Adams, and sales funds, and as far as practicable separate vouchers should be on file for each of these funds.

The sales fund should be used only for experiment station work and publications and not for inspection or extension work or compiled publications.

Bills for printing, illustrations, preparation of MS., or mailing of publications should not be charged to the Hatch fund unless the publications clearly record the experimental work of the station. Popular bulletins charged to the Hatch fund should expressly show that they embody the results of the station's experimental work. General bulletins of information, circulars containing directions for the use of fertilizers, spraying, etc., which are compiled from well-known sources of information or embody the general or local experience of practical men, and other compiled publications, should not be charged to the Hatch fund.

The expenses of tests and local demonstrations of established results of experimental work or improved practice are not proper charges against the Federal funds for the stations.

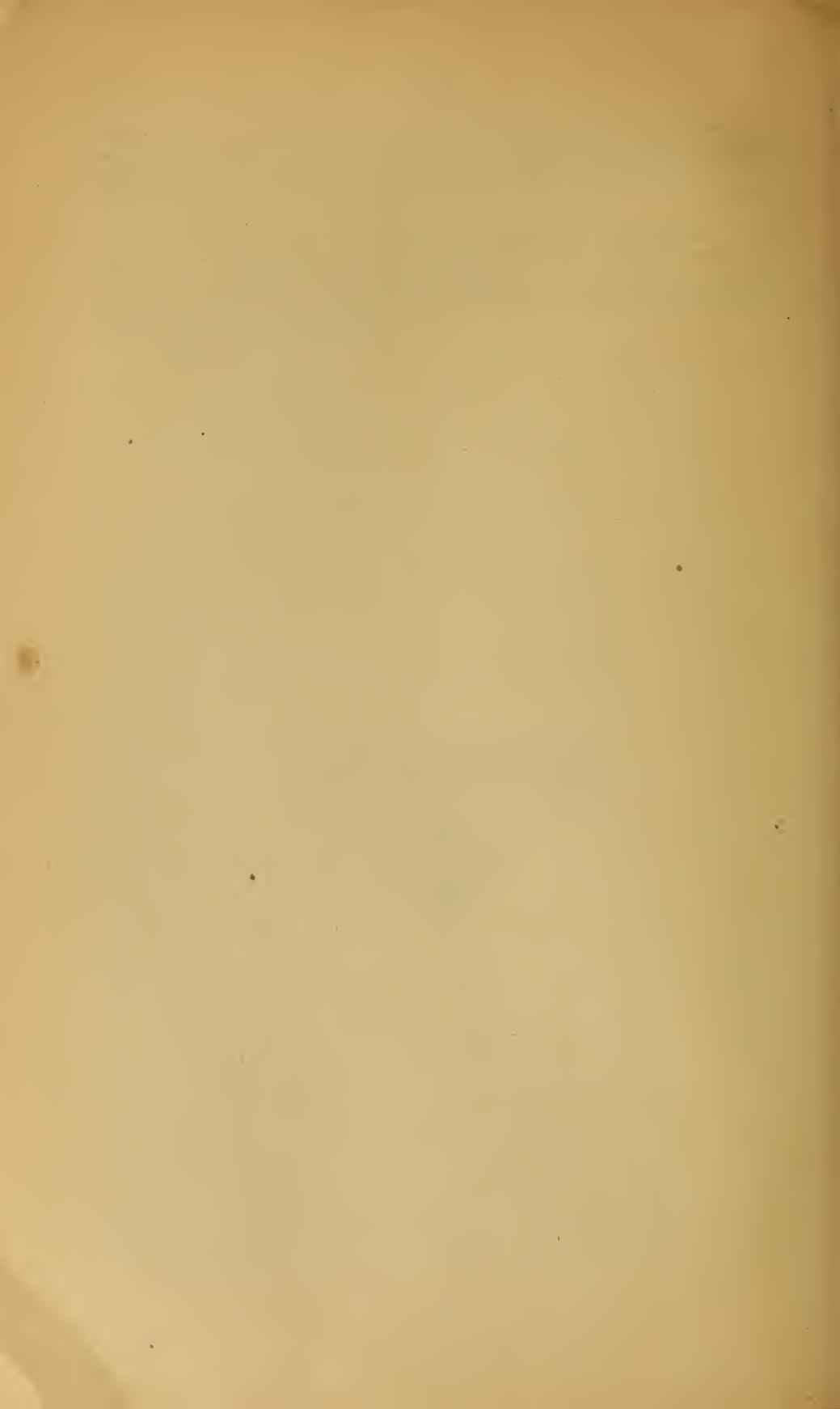
In keeping the station books and vouchers and in making up the financial reports strict attention should be paid to the rulings of the department, the published scheme of classification of accounts, and the instructions printed on the first page of the financial schedule and in connection with the several abstracts thereof.

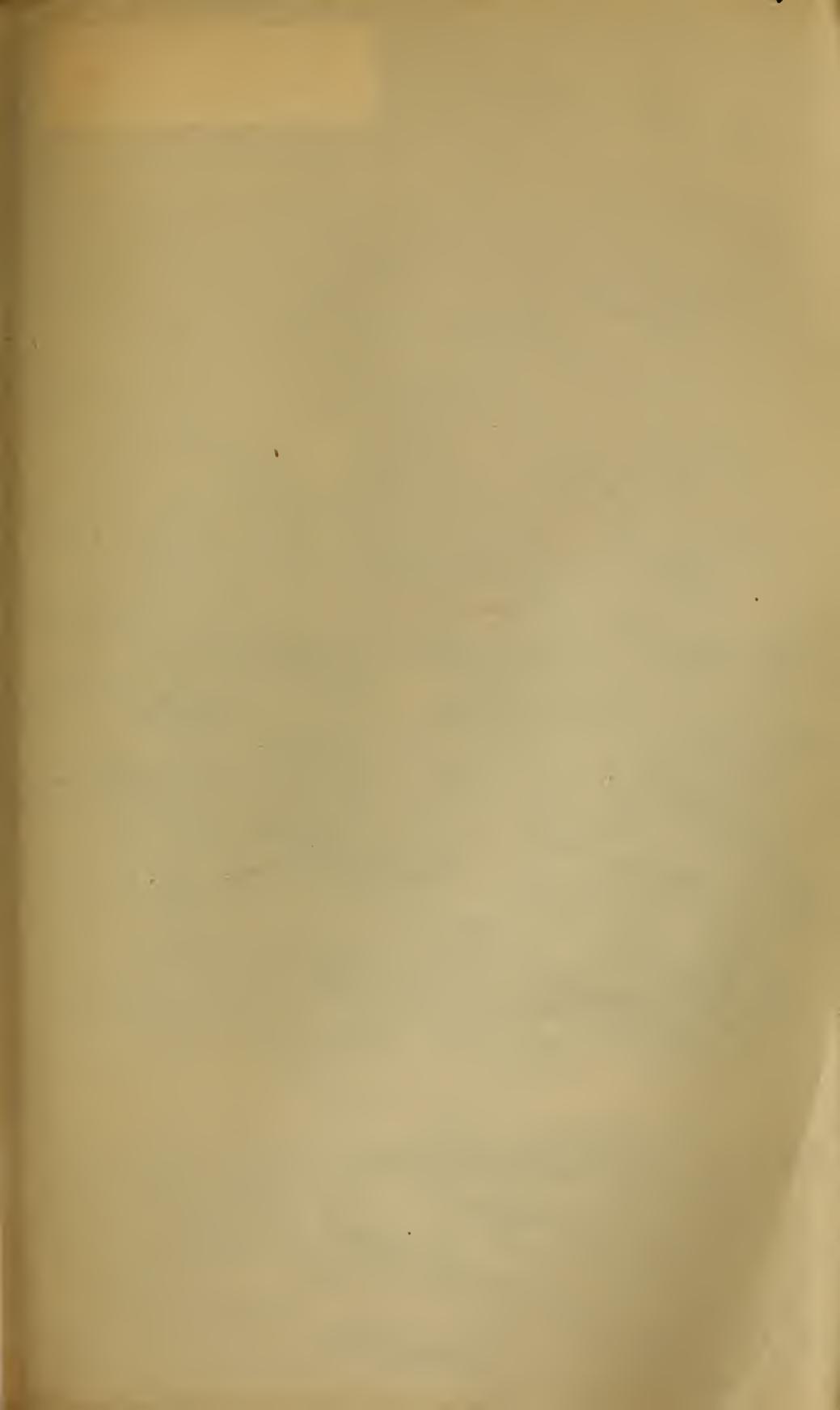
When changes are made of accountants or clerks the requirements of the department regarding the details of expenditure and accounting should be brought to the attention of the new incumbents, and care should be taken that approved methods of accounting shall not be changed without consideration of the department's requirements.

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